



**Date:** May 27, 2024

**To:** Mayor and Council

**Author:** Vitra Chodha, Planner

**RE:** Application for Consent and Zoning By-law Amendment (B-2024-14 & ZBA-2024-7): 366 North Talbot Road

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## **RECOMMENDED ACTION**

1. That consent application B-2024-14, to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation with an area of 0.92 ac (0.37 ha) lot shown as Part 1 on the applicants' sketch, known as 366 North Talbot Road, in the Town of Kingsville, **BE APPROVED**, subject to the following conditions:
  - a. Prior to consent being endorsed on the deeds the property owners are to execute an agreement for drainage apportionment due to lands severance or sale approved by the Municipality for each parcel being severed. Drainage Apportionment Request, 12R plan shall be submitted to the Municipality a minimum of one month prior to the stamping of the deeds.
  - b. Prior to consent being endorsed on the deeds a lot grading plan acceptable to the municipality, shall be provided by the applicant to serve the lands being conveyed, and the lands being retained, with the cost of such drainage being solely at the expense of the applicant. Lot Grading Plans shall be submitted to the Engineering Department a minimum of three months prior to the stamping of the deeds.
  - c. That the applicant provide confirmation to the satisfaction of the Town the location of any existing septic systems in relation to the revised lot line locations.
  - d. That the necessary deed(s), transfer or changes be submitted electronically, signed and fully executed, including a copy of the reference plan, prior to certification.
  - e. The conditions imposed above shall be fulfilled by May 27<sup>th</sup>, 2026 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

2. And that By-law 41-2024 being a By-law to amend the Comprehensive Zoning By-law 1-2014 for the Town of Kingsville, to amend the zoning on the retained farm parcel municipally known as VL North Talbot Road from 'General Agricultural (A1)' to 'Agricultural - Restricted (A2)' **BE APPROVED**; and the Mayor and Clerk **BE AUTHORIZED** to sign same.

## **BACKGROUND**

The Town of Kingsville has received the above-noted applications for lands located on the south side of North Talbot Road, West of County Road 27 East (see location map attached as Appendix A). The subject parcel is designated 'Agricultural' by the Official Plan and is zoned 'General Agricultural (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject parcel is 67.32 acres (27.24 ha) with a frontage of 403.86 m (1325.00 ft) and contains a dwelling. It is proposed that the dwelling deemed surplus to the owner's farming needs be severed on a new lot. The proposed severed parcel is shown as Part 1 on the applicant's survey (attached as Appendix B), the severed parcel has an area of 0.92 ac (0.37 ha).

As a result of the consent, an application to rezone the retained farm parcel from 'General Agricultural (A1)' to 'Agricultural- Restricted (A2)' is submitted in conjunction to prohibit future dwellings on the retained parcel as per Provincial and Town policies.

## **DISCUSSION**

### **1) Provincial Policy Statement (PPS), 2020:**

When reviewing a planning application to determine if it represents sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statement (PPS). Section 2.3.4.1(c) permits, "a residence surplus to a farming operation as a result of farm consolidation," to be severed, "provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance."

The application is consistent with the PPS definition of a residence surplus to a farming operation and future dwellings will be prohibited on the retained farm parcel as a condition of consent, in that the retained parcel must be rezoned to "Restricted Agriculture (A2)".

### **2) Town of Kingsville Official Plan**

The Official Plan for the Town of Kingsville designates the severed and retained lands as 'Agriculture'.

The requested consent to sever the surplus dwelling conforms to the policies of Section 7.3.1, Agriculture Land Division, of the Official Plan. The proposed severed parcel is within the recommended size limit of 0.8 ha (1.97 ac.) or less.

The severed parcel, Part 1 has an area of 1.97 ac (0.8 ha) therefore the application conforms with Section 7.3.1 of the Kingsville Official Plan.

Section 7.3.1.2 c) of the Kingsville Official Plan that was amended on December 1<sup>st</sup>, 2023, states that “c) the surplus residential dwelling must have been in existence prior to the date of the adoption of this plan and in a habitable condition”.

The intent of this section was to mirror the wording of the 2014 Official Plan and cap the construction (existence) of the dwelling to when the previous place was put in place in 2014. Administration is to bring forward a house keeping by-law to Council to make the intended changed following the required statutory notice requirements at a later time.

### **3) Comprehensive Zoning By-law**

The severed parcel, Part 1 and 2 has an area of 0.92 ac (0.37 ha) and frontage of 48.79 m (160.00 ft.) and will have access and frontage on North Talbot Road.

The retained parcel will have access and frontage on North Talbot Road.

There are no zoning issues created as a result of the creation of the surplus dwelling lot. The retained farm parcel will be rezoned from ‘Agricultural (A1)’ to ‘Agriculture - Restricted (A2)’ to prohibit future dwellings as required by the surplus dwelling consent policies.

## **FINANCIAL CONSIDERATIONS**

The impact to assessment resulting from the severance of the dwelling from the farm parcel is anticipated to be minimal.

## **ENVIRONMENTAL CONSIDERATIONS**

There are no anticipated environmental impact resulting from the severance of the dwelling from the farm parcel.

## **CONSULTATIONS**

### **Public Consultations**

In accordance to O. Reg 545/06 of the *Planning Act*, property owners within 120m of the subject site boundaries received the Notice of Public Meeting by mail.

## **Agency & Administrative Consultation**

In accordance with O. Reg 545/06 of the Planning Act, Agencies and Town Administration received the Notice of Public Meeting by mail and/or email. At the time of writing, the following comments have been received from circulated agencies.

1) **Essex Region Conservation Authority (ERCA)** No objection to the proposed application (see Appendix C for ERCA comments).

**2) Town of Kingsville Technical Advisory Committee**

- a. Drainage apportionment may be required.
- b. Septic review is required. It is recommended that the owner obtains a qualified septic contractor to assist with this requirement. Ensure retained parcel and newly created parcel maintains and manages their own storm water on each lot. Ensure that the property has legal access to their assessed drain. This will be confirmed by the Town of Kingsville's Drainage Superintendent.
- c. Ensure all services are contained within existing property lines and do not cross over into newly established property lines. The owner and/or consultant is required to provide verification that all services are maintained on the retained parcels and do not cross property lines.

**PREPARED BY:**



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**REVIEWED BY:**

*Sahar Jamshidi*

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